

Douglas H. Kossler
Assistant Attorney General
Office of Special Prosecutions
and Appeals
310 K Street, Suite 308
Anchorage, Alaska 99501
Telephone: (907) 269-6250
Facsimile: (907) 269-6270
Email: douglas_kossler@law.state.ak.us

Attorney for Respondent Superintendent Zee Hyden

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

JERRY LEE DOUGLAS,)	
)	
Petitioner,)	
)	Case No. 3:03-cv-0221-JWS-JDR
vs.)	
)	<u>MOTION FOR EXTENSION OF</u>
SUPERINTENDENT ZEE HYDEN,)	<u>TIME TO FILE RESPONDENT'S</u>
)	<u>BRIEF ON THE MERITS</u>
Respondent.)	<i>(On Shortened Time)</i>
_____)	

The Respondent requests an extension of 60 days (until August 22) in which to file his brief responding to Douglas's brief on the merits in support of his amended petition for habeas corpus. The reason for this request requires some explanation.

From its inception, this case has been handled by Assistant Attorney General John Scukanec, who also handled Douglas's appeal in the Alaska state

courts where Douglas raised the claims that serve as the basis for his amended petition. Mr. Scukanec retired from state service on May 1, 2006. However, he continued to work past his retirement on a contractual basis on certain cases in which he had prior involvement, including this one. The expectation was that Mr. Scukanec would conclude his contractual work through the end of the summer, which was when he was planning to leave Alaska.

Matters have progressed much faster than Mr. Scukanec anticipated, however, and on Wednesday the undersigned (who is Mr. Scukanec's supervisor) gave notice that he was planning on leaving the state much sooner therefore would not be able to do the respondent's brief on the merits in this case.

This case has a long procedural history and it will take time for a new lawyer to become familiar with the record of not only this case, but also the record from Douglas's previous appeal in the Alaska state courts. In addition, at the present time, all of the lawyers to whom this case might be reassigned are generally carrying double a normal caseload and have been for a number of months. The increased caseloads are in part due to the numerous appeals related to *Blakely v. Washington* (last year the Alaska Court of Appeals saw a twofold increase in the number of appeals that were filed). Furthermore, the summer time is generally a very busy time for this office, for reasons the undersigned has never been able to determine.

The undersigned has attempted to contact opposing counsel. Assistant Federal Public Defender Mary Geddes, about this motion but she is on personal leave for five weeks and not returning until July 5th. In fact it appears that, based on her leave, Ms. Geddes has already been granted an extension of time until July 20th to file a reply to the respondent's brief on the merits. *See* Docket Number 98.

DATED June 23, 2006 , at Anchorage, Alaska.

DAVID W. MÁRQUEZ
ATTORNEY GENERAL

s/ Douglas H. Kossler

Assistant Attorney General
State of Alaska, Dept. of Law
Office of Special Prosecutions
and Appeals
310 K St., Suite 308
Anchorage, Alaska 99501
Telephone: (907) 269-6250
Facsimile: (907) 269-6270
e-mail: Douglas_Kossler@law.state.ak.us
Alaska Bar. No. (9506030)

Certificate of Service

I certify that on June 23, 2006, a copy of the foregoing Motion for Extension of Time to File Respondent's Brief on the Merits and the attached Proposed Order was served electronically on Mary C. Geddes.

s/ Douglas H. Kossler